

REMARKS

The Non-final Office Action dated November 1, 2006 has been reviewed and these remarks are responsive thereto. Claims 1-9, 15, and 23-27 have been amended. Claims 28-93 have been canceled. New claims 94-133 have been added. No new matter has been added. Claims 1-27 and 94-133 are pending.

Applicants confirm election of group I, claims 1-27 for examination on the merits. Non-elected claims 28-93 have been canceled. Applicants reserve the right to file continuation applications to non-elected claims.

Applicants wish to thank Examiners Ebirim and Khanh for the courtesies they extended during an examiner interview conducted on December 7, 2006. During the interview, claim amendments were discussed. Examiner Ebirim indicated that a further search with further analysis would be performed.

The Office Action objects to the title as being non-descriptive. The title has been amended. Withdrawal of the objection is respectfully requested.

Claim 1 was objected to for reciting "the plurality." Claim 1 has been amended for clarification. Withdrawal of the objection is respectfully requested.

Claim 1 was rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 1 has been amended as suggested by the Office Action. Withdrawal of the rejection is respectfully requested.

Claims 1-27 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The Office Action asserts that claims 1-8 do not recite a computer-readable medium. Claims 1-8 have been amended. Withdrawal of the rejection is respectfully requested.

Type of Response: Amendment
Application Number: 10/815,061
Attorney Docket Number: 301552.01
Filing Date: March 31, 2004

The Office Action asserts that claims 9–27 do not recite a “useful and tangible result.” Independent claims 9, 15, and 23 have been amended. Withdrawal of the rejection is respectfully requested.

Claims 1–27 were rejected under 35 U.S.C. 102(b) as being anticipated by Chaudhuri (U.S. Patent No. 6,223,171). This rejection is respectfully traversed.

Claims 1, 9, 15, and 23 have been amended for clarification. Claim 1, as amended, recites a first subset of database objects comprising database objects that dominate at least one database object in a second subset of database objects and generating a summarized workload based on dominating database objects. Chaudhuri fails to teach or suggest these features.

Chaudhuri discloses, for example, identifying indexes that are “rarely used and that therefore may be removed.” See Chaudhuri, col. 16, lines 41–45. Hence, Chaudhuri merely removes indexes based on degree of use where those indexes that are not used frequently are removed. However, Chaudhuri fails to teach or suggest determining a database object as dominating another database object.

“A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Also, “the identical invention must be shown [in the cited reference] in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In the present case, Chaudhuri fails to set forth each and element in the claim as set forth above. Therefore, it is respectfully submitted the rejection is improper and should be withdrawn.

Claims 9, 15, and 23 are similar to claim 1 and are allowable for at least the reasons set forth above for claim 1.

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Claims 2–8, 10–14, 16–22 and 24–27 depend from claim 1, 9, 15, or 23 and are allowable for at least the reasons set forth above for claims 1, 9, 15, or 23.

Claims 8, 13, 22, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudhuri in view of Guay (U.S. Patent No. 6,598,038). This rejection is respectfully traversed.

Claim 8 depends from claim 1, claim 13 depends from claim 9, claim 22 depends from claim 15, and claim 27 depends from claim 23. As set forth above Chaudhuri fails to teach or suggest claim 1, 9, 15, or 23. Guay fails to cure the deficits of Chaudhuri, nor does the Office Action assert that Guay does.

Therefore, withdrawal of the rejection is respectfully requested.

New claims 94–133 depend from allowable independent claims and are therefore allowable. Also, none of the cited references, either alone or in combination, teaches or suggests features recited in claims 94–133. Therefore, it is respectfully submitted claims 94–133 are allowable.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: January 24, 2007

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Kate Marochkina
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